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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,097	01/29/2002	James Friskel	200400110-1	1197

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EXAMINER

HUYNH, BA

ART UNIT PAPER NUMBER

2179

DATE MAILED: 04/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/058,097	<b>Applicant(s)</b> FRISKEL, JAMES	
	<b>Examiner</b> Ba Huynh	<b>Art Unit</b> 2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 4-9, 11, 12, 14, 16 and 24-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4-9, 11, 12, 14, 16, and 24-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 4-9, 11, 12, 14, 24-28 are rejected under 35 U.S.C. 102(a) as anticipated by US patent #6,292,185 (Ko et al).

- As for claims 8, 12, 14, 26-28: Ko et al (hereinafter Ko) teach a computer implemented method and corresponding system for displaying a visible portion of a user interface for an application program (1:51-58), comprising the steps/means for:
  - defining a graphical image 702, 704 for the visible portion of the user interface in a first computer file (default.xtd, 6:38-42), wherein the graphical image provides at least an outer boundary of the visible portion (7:7-9, 8:23-24),
  - defining in a second computer file (default.xtc, 6:48-7:7) a plurality of parameters for associating a functional portion of the user interface with the graphical image , and
  - processing the first and second computer files to display the visible portion of the user interface and configure the functional portion of the user interface (7:23-33, 8:10-27).

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- As for claim 4: The second computer file comprises location definition and an activation type for an activation region (6:48-7:7).
- As for claim 5: The activation one of the URL region 712 or navigation buttons Back, Forward, Home points to the corresponding files of the being displayed document.
- As for claims 6: The state of the user interface is a default state (6:35-39).
- As for claim 7: A non-rectangular polygon 702, 704 is defined corresponding to an external boundary of the image (6:55-60, 8:10-11, figure 7). Information regarding the polygon is stored in the computer system (6:48-65). The graphical image 702, 704 is displayed according to its display attributes which include color and transparent components. Thus the “partitioning” is inherently included in the display of the graphical image.
- As for claim 9: The method can be implemented at the server (5:52-64; i.e., when no editing is needed) or at a client computer (8:10-17).
- As for claim 11: The means (graphic engine) for accessing the computer files is inherently included in Ko’s teaching of displaying the graphic images of the graphical elements.
- As for claim 16: One of the group consisting of the graphic file and the configuration file is dynamically updated by a server computer (5:22-27, 52-64).
- As for claims 24, 25: Selectable buttons 704-710 can be selected and activated.

***Response to Arguments***

Applicant's arguments have been considered but are not deemed persuasive.

**REMARKS:**

The applicant argues that the two files default.xtd and default.xtc is the same file because they both related to graphical appearance and not employed to associate a functional portion of the graphical user interface with a graphical image portion. In response to the argument, the files have different extension .xtd and .xtc thus are two different files. File .xtc includes means to associate function portion of the graphical user interface with a graphical image portion. See Ko's col. 7, lines 2-7. No comment regarding the rejections of all other claims is noted.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ba Huynh whose telephone number is (571) 272-4138.

The examiner can normally be reached on Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ba Huynh  
Primary examiner  
AU 2179  
3/31/06

  
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PRIMARY EXAMINER